

## PLANNING COMMISSION

September 10, 2008

### Meeting Report

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#### **ROLL CALL**

PRESENT: Commissioners Campos, Do, Jensen, Kalra, Kamkar, Platten (arrived during discussion item 2.b.), Zito

ABSENT: None

#### **1. DEFERRALS**

- a. **CP07-094.** Conditional Use Permit request to allow an entertainment establishment and operation until 2:00 am at an existing legal non-conforming restaurant/bar (Mexico Lindo) on a 0.3 gross acre site in the LI Light Industrial Zoning District, located on the northwest corner of Monterey Road and Bellevue Avenue (1593 MONTEREY RD)(Valencia Everardo And Olivia, Owner). Council District 7. SNI: Washington. CEQA: Exempt. *PROJECT MANAGER, S.MALLICK*

**DEFERRED TO 09/24/08 (6-0-1; PLATTEN ABSENT)**

#### **2. CONSENT CALENDAR**

- a. **CP08-036.** Conditional Use Permit to allow the renewal and continued use of an existing wireless communications monopole with associated ancillary equipment cabinets on a 5.96 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Dobbin Drive approximately 1,000 feet easterly of King Road (1855 DOBBIN DR)(R & C Brown Associates L.P., Owner; Verizon Wireless, Developer). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**DEFERRED TO 10/08/08 (6-0-1; PLATTEN ABSENT)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP08-008 / ABC08-003.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of alcoholic beverages at the mini-mart (from 10 a.m. to 11 p.m.) and associated site improvements on a 0.49 gross acre site in the CG General Commercial Zoning District, located on the northwest corner of Airport Parkway and North First Street (2101 N 1ST ST)(Tosco Corporation, Owner; David Joines, Developer). Council District 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

**APPROVED (5-1-0-1; CAMPOS OPPOSED; PLATTEN ABSTAINED)**

*(Pulled from consent by applicant)*

- c. **CP08-048 / ABC08-004.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages at an existing food store/deli within a shopping center on a 3.26 acres site in the CG General Commercial Zoning District, located at 5025 Almaden Expressway. (EP & G Properties, Owner). Council District 9. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- d. **CP07-024.** Conditional Use Permit to allow a 920 square foot addition to an existing building for classroom uses at a church on a 1.17 gross acre site in the R-1-8 Single-Family Residence Zoning District located on the west side of Miller Avenue approximately 200 feet south of Rainbow Drive (1315 MILLER AV)(The Miller Avenue Church Of Christ, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SCHREINER*

**APPROVED (6-0-1; PLATTEN ABSENT)**

- e. **CP08-051.** Conditional Use Permit to allow the demolition of two existing buildings (11,857 square feet total) and the construction of a new three-story classroom building (17,487 square feet), and an outdoor play area at an existing church facility on a 3.38 gross-acre site in the CP Pedestrian Commercial Zoning District, located on the west side of Saratoga Avenue, 500 feet southerly of Campbell Avenue (1735 Saratoga Avenue)(Westgate Community Bible Church, Owner). Council District 1. SNI: None. CEQA: Exempt. *PROJECT MANAGER, B.ROTH*

**APPROVED WITH CONDITION FOR A PERMIT ADJUSTMENT TO: 1) EXPLORE OPPORTUNITY TO MAXIMIZE NATURAL LIGHTING, 2) PREPARE FOR FUTURE USE OF PHOTOVOLTAICS (7-0-0)**

*(Pulled from Consent by Commissioner Do, with comments on incorporating possibility for solar panels/window design.)*

- f. **CP08-063.** Conditional Use Permit to allow continued operation of a public drinking and entertainment establishment with late night use until 2:00 a.m. daily in the DC Downtown Primary Commercial Zoning District, located on the northeast corner of Almaden Avenue and San Fernando Street (98 S. Almaden Ave)(Jan Chargin Trustee & et al, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MCMORROW*

APPROVED CONDITIONS FOR A THIRD SECURITY GUARD FROM 7:00 P.M. TO 10:00 P.M., FRIDAY, SATURDAY, AND SUNDAY (4-2-0-1; CAMPOS & KALRA OPPOSED; PLATTEN ABSTAINED)

**APPROVED WITH CONDITIONS OF APPROVAL FOR A THIRD SECURITY GUARD FROM 7:00 P.M. TO 10:00 P.M., FRIDAY, SATURDAY, AND SUNDAY (5-1-0-1; CAMPOS OPPOSED; PLATTEN ABSTAINED)**

- g. **PDC07-021.** Planned Development Rezoning from R-1-8 Residential District to A(PD) Planned Development District to demolish the existing single-family residence and to construct three new single-family detached residences on a 0.37 gross acre site, located on the west side of Piedmont Road approximately 220 feet north of Suncrest Avenue (1199 Piedmont Rd.)(Linh Van Nguyen, Owner). Council District: 4. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY*

**RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)**

### 3. PUBLIC HEARINGS

- a. **ACCEPTENCE OF THE STRONG NEIGHBORHOODS INITIATIVE EDENVALE/ GREAT OAKS NEIGHBORHOOD IMPROVEMENT PLAN AMENDMENT.** Review and Recommendation to the City Council. Council District 2. SNI: Edenvale/Great Oaks. CEQA: Strong Neighborhoods Initiative Program EIR, Resolution No. 71045. *PROJECT MANAGER, J.BORRELLI*

**RECOMMENDED APPROVAL (7-0-0)**

- b. **PDC07-096.** Planned Development Prezoning/Rezoning from County and CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District to allow up to 218 attached single-family residences and 22,600 square feet for commercial uses on a 3.59 gross acres site, located on the south side of West San Carlos Street between Meridian Avenue and Page Street (Dubrovnik Properties, LLC & Nicholas Gera, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. *Deferred from 08/20/08. PROJECT MANAGER, E.SCHREINER*

**RECOMMENDED APPROVAL PER STAFF RECOMMENDATION WITH MODIFICATION AS FOLLOWS: 1) FOR WEST SAN CARLOS STREET, REDUCE SIDEWALK DESIGN FROM 12 FEET DOWN TO 10 FEET, AND STREET DEDICATION FROM 4 FEET DOWN TO 2 FEET, AND 2) REQUIRE AN AVERAGE OF 60 SQUARE FEET OF PRIVATE OPEN SPACE PER UNIT. (7-0-0)**

- c. **Private Sector Green Building Policy.** The proposed private sector green building policy for new construction includes two rating systems: United States Green Building Council's Leadership in Energy and Environmental Design and Build It Green's GreenPoint Rated system. The policy requires a green building checklist for all new construction. In addition, the policy mandates specific certification and point levels in 3 categories: commercial and industrial (25,000 square feet and more), residential high-rise, and other residential (10 units and more). This Policy will provide a verifiable benchmark by which to measure progress toward the Green Vision goal of 50 million square feet of green buildings built or retrofitted within the next 15 years as well as further Green Vision goals related to energy efficiency, water efficiency, renewable energy, and waste reduction. Council District: Citywide. SNI: N/A. CEQA: Exempt. *PROJECT MANAGER, M.STAHLHUT*

**RECOMMENDED APPROVAL (7-0-0)**

- d. **PDC08-016.** Planned Development Rezoning from the R-2 Residence District to the A(PD) Planned Development District to allow the demolition of a two-family dwelling and three multi-family dwellings and the construction of up to four single-family detached residences on a 0.25 gross acre site, located on the southwest corner of Berryessa Road and N. 15th Street (674 Berryessa Road)(Somot Properties, LLC, Owner). Council District: 3. SNI: 13th Street. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, A.BATY*

**RECOMMENDED APPROVAL (7-0-0)**

- e. **PDC07-012.** Planned Development Rezoning from the R-1-2 Residence Zoning District to the A(PD) Planned Development Zoning District to allow eight single-family attached residential units on a 0.52 gross acre site, located on the east side of Entrada Cedros approximately 200 feet south of Giuffrida Avenue (5550 ENTRADA CEDROS)(James C. & Mary K. Henning Trustee, Rachel D. Maxwell, Trustee & Et Al, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.MCMORROW*

**RECOMMENDED APPROVAL (7-0-0)**

- f. **PROPOSED TITLE 20 CHANGE TO STREAMLINE THE HEARING PROCESS.**

**DEFERRED TO 9/24/08 (6-1-0; KAMKAR OPPOSED)**

**4. PETITIONS AND COMMUNICATIONS**

Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- 1) Responding to statements made or questions posed by members of the public; or
- 2) Requesting staff to report back on a matter at a subsequent meeting; or
- 3) Directing staff to place the item on a future agenda.

*None*

**5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

*None*

**6. GOOD AND WELFARE**

a. Report from City Council

*None*

b. Commissioners' Report from Committees:

(1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos)

*None*

(2) Envision San José 2040 General Plan Update Process (Kamkar)

*None*

c. Review and Approve synopsis for 08/20/08

*None*

d. Consider Study Session dates and/or topics

*Planned Development Processes – Wednesday, November 5<sup>th</sup>.*

e. Consider the recommendation of the staff from Parks, Recreation and Neighborhood Development that the Planning Commission transmit to the City Council a letter of support to:

1) Endorse the adjustment of the Parkland In-Lieu Fees to reflect 100% of the land values in the 2007 Residential Land Value Study, and

2) Endorse the implementation date of February 1, 2009 for 2007 Revised Parkland In-Lieu Fees to go into effect.

**DEFERRED TO 9/24/08 (6-1-0; KAMKAR OPPOSED)**

**ADJOURNMENT**